

REMARKS

Claims 1-6 are pending. By this Amendment, claim 1 is amended. Reconsideration of the present application is respectfully requested.

I. The Claims Define Allowable Subject Matter

The Office Action rejects claims 1-3 under 35 U.S.C. §102(e) over U.S. Patent No. 6,223,945 to Giblin et al. (hereinafter "Giblin"), claim 6 under 35 U.S.C. §102(b) over U.S. Patent No. 5,193,711 to Hirata et al. (hereinafter "Hirata"), and claims 4 and 5 under 35 U.S.C. §103(a) over U.S. Design Patent No. 177,275 to Perinet in view of U.S. Patent No. 4,662,528 to Slat. These rejections are respectfully traversed.

Giblin does not disclose a synthetic resin container including a vertical, curved rib that is contiguous with the left and right edges of the label, as recited in independent claim 1.

Instead, as shown in Fig. 8, vertical grooves 210 are spaced away from label 310.

Giblin does not disclose a synthetic resin container including lateral, curved ribs extending along the upper and lower portions of the body, as recited in independent claim 2.

Instead, Giblin discloses optional horizontal grooves 212 extending horizontally from the base of the handle 8, across the top of the rear panel 244, a corner panel, a portion of the side panel 238, and then upward along the top of the side panel 238 and along the top of another corner panel. Thus, Giblin only discloses optional horizontal grooves 212 in the upper portion of the container 2, not the lower portion.

Giblin does not disclose a synthetic resin container including edges of the label that are positioned in the ribs, as recited in independent claim 3.

Instead, as shown in Fig. 8, Giblin discloses edges of the label 310 spaced away from vertical grooves 210, grooves 211 and optional horizontal grooves 212.

Hirata does not disclose a synthetic resin container including a thick portion that is formed on an inner surface of the body adjacent to and under an edge of the label, as recited in independent claim 6.

Instead, Hirata discloses a container 1 having a lower end 6E formed with a downward slope 16. The downward slope 16 creates a thicker portion on the outer surface of bottom 1B.

Neither Perinet nor Slat discloses a wall of a synthetic resin container including left and right edges having a recessed, corrugate shape formed in the wall surface, as recited in independent claim 4, or a synthetic resin container including a body having an in-molded label having corrugate shaped edges, as recited in independent claim 5.

The Office Action admits that Perinet fails to disclose a recessed, corrugate shape formed in the wall surface, but asserts that Slat makes up for the deficiencies of Perinet. Applicants respectfully traverse this assertion.

Slat instead discloses a container 10 having a sidewall 12 with abrupt curved portions 42, 44 and 46 adjacent an upper, lower and side edges of a label L to provide the container 10 with a generally continuous outer surface at the junctions of the label edges with the sidewall 12.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102 and 103 should be withdrawn because the applied references, either individually or in combination, do not teach or suggest every feature of independent claims 1-6.

As pointed out in MPEP §2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP §2143.03 instructs that "[t]o establish *prima facie* obviousness

of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)."

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-6 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

David J. Cho
Registration No. 48,078

JAO:DXC/brc

Date: September 23, 2003

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
--